

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14260 of 2015

=====

Brij Kishore Khirhari @ Braj Kishor Khirhari, son of Sri Prabhu Narayan Khirhari, Resident of Village- Gangeli, P.S.- K. Nagar (Maranga O.P.), District- Patna.

.... Petitioner/s

Versus

1. The Chief Election Officer, Bihar Election Authority, Bihar, Patna.
2. The Election Commissioner, Bihar, Patna.
3. The Joint Registrar, Co-operative Society, Purnea Pramandal, Purnea.
4. The District Magistrate -cum- District Election Officer (Co-operative Societies), Purnea.
5. The Sub-Divisional Officer -cum- Assistant Registrar, Co-operative Society, K. Nagar, District- Purnea.
6. The Block Development Officer -cum- Returning Officer, Cooperative Society, K. Nagar, District- Purnea.
7. The Election Observer -cum- J.P.S. Block K. Nagar, District- Purnea.
8. Ranjeet Kumar Singh, son of Late Basudeo Prasad, resident of village- Rahika Tol Gangeli, P.S.- K. Nagar, (Maranga O.P.), District- Purnea.
9. Awadhesh Kumar Yadav, son of Late Shakunit Lal Yadav, resident of village- Chapai Gangeli, P.S.- K. Nagar, (Maranga O.P.), District- Purnea.
10. Dhanraj Singh, son of Late Hanshraj Singh, resident of village- Gangeli, P.S.- K. Nagar, (Maranga O.P.), District- Purnea.
11. The State of Bihar, through the Principal Secretary, Bihar, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai

For the Respondent/s : Mr. Uday Shankar Sharan Singh, GP-1

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 17-09-2015 Heard Mr. Ram Sumiran Rai, learned counsel appearing on behalf of the petitioner and Mr. Uday Shankar Sharan Singh, learned Government Pleader No.1 for the State.

Though the petitioner attempts to question the order dated 12.5.2015/15.6.2015 passed by the Joint Registrar, Cooperative Societies, Purnea Division, Purnea in Election Case No.252 of 2014 whereby the election petition filed by the

petitioner questioning the entire election of the Primary Agriculture Credit Cooperative Society, Gangeli in the district of Purnea *inter alia* on grounds of a faulty voter list, has been dismissed but in my opinion, in absence of any document on record of the proceedings to demonstrate that consequent upon publication of the voter-list the petitioner had filed any objection thereto before the prescribed authority and considering that the petitioner has taken a calculated risk to contest the election on the same alleged faulty voter-list but having lost the contest, has now turned around to question the voter-list for its irregularity, he cannot be permitted to maintain this application. The issue stands concluded by a Bench decision of this Court since reported in **2006(1) PLJR 184 (Nasimuddin vs. The State of Bihar)** and applies on all fours in the case of the petitioner.

In the circumstances discussed, no ground for indulgence is made out.

This writ petition is disposed of.

(Jyoti Saran, J)

SKPathak/-

U			
---	--	--	--